

109TH CONGRESS  
2D SESSION

# H. R. 4722

To amend title XVIII of the Social Security Act to eliminate cost-sharing under part D of such title for certain full-benefit dual eligible individuals.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. ENGEL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. RUSH, Mr. STUPAK, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. McNULTY, Mr. JEFFERSON, Mr. EMANUEL, and Mr. KENNEDY of Rhode Island) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to eliminate cost-sharing under part D of such title for certain full-benefit dual eligible individuals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ELIMINATION OF PART D COST-SHARING FOR**  
2 **CERTAIN FULL-BENEFIT DUAL ELIGIBLE IN-**  
3 **DIVIDUALS.**

4 (a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of  
5 the Social Security Act (42 U.S.C. 1395w–  
6 114(a)(1)(D)(i)) is amended—

7 (1) in the heading, by striking “INSTITU-  
8 TIONALIZED INDIVIDUALS.—In” and inserting  
9 “ELIMINATION OF COST-SHARING FOR CERTAIN  
10 FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—”

11 “(I) INSTITUTIONALIZED INDI-  
12 VIDUALS.—In”; and

13 (2) by adding at the end the following new sub-  
14 clauses:

15 “(II) CERTAIN OTHER INDIVID-  
16 UALS.—In the case of an individual  
17 who is a full-benefit dual eligible indi-  
18 vidual and who receives services from  
19 a facility or program described in sub-  
20 clause (III), the elimination of any  
21 beneficiary coinsurance described in  
22 section 1860D–2(b)(2) (for all  
23 amounts through the total amount of  
24 expenditures at which benefits are  
25 available under section 1860D–  
26 2(b)(4)).

“(III) FACILITY DESCRIBED.—

For purposes of subclause (II), a facility or program described in this subclause is a board and care facility, a custodial care facility, a group home, or an assisted living facility (as such terms are defined by the Secretary), or any other facility or program that the Secretary determines provides services without which the individual would require long-term care in a medical institution or nursing facility.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

(2) REIMBURSEMENT OF COST-SHARING PAYMENTS.—The Secretary shall provide for reimbursement of any beneficiary coinsurance described in section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)) paid by or on behalf of an individual described in section 1860D–

1        14(a)(1)(D)(i)(II) of such Act, as added by sub-  
2        section (a), during the period beginning on January  
3        1, 2006, and ending on the date of enactment of this  
4        Act.

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